



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Sixth day of May Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) No.6551 of 2021

Ganapathi ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.316 of 2021. ... Respondent/Complainant

For Petitioner : Mr.Prabu.M.,
Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.316 of 2021 on the file of the
respondent police.

ORDER : The Court made the following order :-

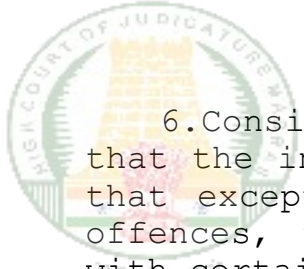
Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody from 20.04.2021 for the offences
under Sections 341, 294(b), 307, 323, 324 and 506(ii) I.P.c., in
Crime No.316 of 2021 on the file of the respondent police. He seeks
bail.

3. The case of the prosecution is that on 19.04.2021, the
petitioner along with another accused waylaid the defacto
complainant and used filthy language and tried to attack him with
aruval and also gave life threat. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the
petitioner is an innocent and he has been falsely implicated in this
case.

5.The learned Government Advocate (Criminal side) submits that
<https://hcservices.ecourts.gov.in/hcservices/>
the injured person was discharged and there is no previous case
pending against him.



6. Considering the facts and circumstances of the case, the fact that the injured has been discharged from the hospital and the fact that except 307 and 506 (ii) of IPC, other offences are bailable offences, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Kovilpatti, Thoothukudi District and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police on every Monday at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

06/05/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE,
KOVILPATTI, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3 THE SUPERINTENDENT,
PERURANI JAIL, THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

5 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6551 of 2021
Date :06/05/2021

msa/rmi
JM/VR/SAR IV/06.05.2021/3P/6C